

Support for Amendment

New claim 31 specifies that the cell was produced using the method of elected claim 1 or 2 (see, for example, page 4, lines 1-13, of the specification). Claim 31 also specifies that the cell has one of the following characteristics: (i) expressing a T-cell receptor or IL-2 and one or more fibroblast-specific proteins; (ii) expressing a neurofilament protein and one or more fibroblast-specific proteins; (iii) expressing the neurofilament protein NF200 and being immortalized; (iv) expressing Oct4 or alkaline phosphatase and one or more fibroblast-specific proteins; or (v) expressing one or more fibroblast-specific proteins and growing in aggregates, forms colonies, or forms embryoid bodies (as disclosed, for example, on pages 4 and 5). This amendment adds no new matter.

Request for Reconsideration

Claims 1-30 are subject to a restriction requirement in which the claims were assigned to ten different groups (Groups I to X). It is submitted that this Requirement is in error and should be modified, as follows.

Applicants respectfully assert that it would not be unduly burdensome for the claims of Examiner's Groups I and VIII to be examined in one application. Examiner's Group I (claims 1, 2, 4, 14-16, and 18-23) is drawn to

methods of reprogramming a cell comprising incubating a chromatin mass or nucleus from a donor cell with a reprogramming media under conditions that allow the removal of a factor from the chromatin mass or nucleus, or the addition of a factor from the reprogramming media to the chromatin mass or nucleus, and inserting the nucleus or chromatin mass into a recipient cell or cytoplasm, cells produced by the method (Office Action, page 2).

Examiner's Group VIII (claims 10, 11, 14-16, 18-23, 26, and 27) is drawn to methods of administering to a mammal a cell produced using the method of Examiner's Group I. As correctly noted by the Examiner, the method of Examiner's Group VIII cannot be practiced with a materially different product than the cells produced using the methods of Examiner's Group I. The Examiner states that "[s]ince the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i))" (Office Action, page 4). Applicants note that no reason has been provided by the Examiner for the unpatentability of the cells produced using the claimed method, and respectfully assert that such cells are patentable.

Applicants also assert that the same literature search can be used to examine claims directed to methods of reprogrammed cells and methods of administering the resulting reprogrammed cells to a mammal. Thus, it would not be an undue burden on the Examiner to evaluate the methods of making and using these cells in one group. *See* MPEP ¶ 803. The same argument applies for Examiner's Groups II and IX.

Applicants note that new claim 31 falls within Examiner's Group I because this group includes cells produced using the methods of claims 1 or 2.

Therefore, applicants submit that Groups I should be modified to include claims 1, 2, 4, 10, 11, 14-16, 18-23, 26, 27, and 31, and Group II should include claims 3, 4, 12, 13, and 17-27.

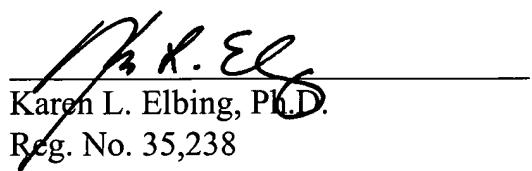
CONCLUSION

Applicants request that the claims be regrouped such that Group I includes Examiner's Groups I and VIII and Group II includes Examiner's Groups II and IX. Applicants intend to elect claims Group I of this modified grouping. Enclosed is a check for \$18.00 for the excess claims.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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